## Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of	)
LESTER J. SCHAUB	)
Licensee of Amateur Service Station KB3YED	)

## ORDER PROPOSING MODIFICATION

Adopted: June 8, 2017 Released: June 12, 2017

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

- 1. *Introduction*. For the reasons set forth below, we propose to modify the operator privileges of Lester J. Schaub (Schaub), licensee of Amateur Radio Service Station KB3YED. Specifically, we propose to modify Schaub's operator license to show Technician Class operator privileges.
- 2. *Background.* On April 20, 2017, the American Radio Relay League Volunteer Examiner Coordinator (ARRL VEC) sent an electronic data file to the Commission requesting that Schaub's operator license for amateur Station KB3YED be modified to upgrade from Technician Class to General Class amateur radio operator privileges.<sup>1</sup> Based on this application, the Commission granted Schaub a General Class amateur service operator license on April 20, 2017. This license authorizes Schaub to be the control operator of an amateur station transmitting on frequency bands authorized by Section 97.301(d) of our rules.<sup>2</sup>
- 3. By correspondence dated June 6, 2017, ARRL VEC notified the Commission that it had made an error in the April 20, 2017, data file and that Schaub had not qualified for a General Class operator license.<sup>3</sup> Therefore, ARRL VEC urged us to modify Schaub's license to correct the operator privileges authorized.
- 4. *Discussion*. We believe that ARRL VEC's request is most properly characterized as an informal request for Commission action under section 1.41 of the Commission's rules.<sup>4</sup> Based on the information now before us, it appears that the grant of General Class operator privileges to Schaub was erroneous because Schaub did not pass the examination necessary to qualify for a General Class operator license. Rather, Schaub appears to be currently authorized to operate with General Class operator privileges due to an error made during the application process.
- 5. We believe that section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.<sup>5</sup> Section 316(a) permits the Commission to modify a

<sup>&</sup>lt;sup>1</sup> See File No. 0007745938 (filed Apr. 20, 2017).

<sup>&</sup>lt;sup>2</sup> See 47 CFR § 97.301(d).

<sup>&</sup>lt;sup>3</sup> E-mail dated, from Amanda Grimaldi, Senior Volunteer Examiner Coordinator Representative, ARRL VEC, to Rebecca Williams et al. (June 6, 2017 12:02 p.m.).

<sup>&</sup>lt;sup>4</sup> 47 CFR § 1.41.

<sup>&</sup>lt;sup>5</sup> 47 U.S.C. § 316(a)(1).

station license if the action will promote the public interest, convenience, and necessity.<sup>6</sup> We believe that a modification of the license for amateur station KB3YED to replace General Class operator privileges with Technician Class operator privileges is appropriate.

- 6. In accordance with section 1.87(a) of the Commission's rules, <sup>7</sup> we will not issue a modification order until Schaub has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Schaub must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554.<sup>8</sup> If no protest is filed, Schaub will have waived the right to protest the modification and will be deemed to have consented to the modification.
- 7. Conclusion. For the reasons stated above, we conclude that the grant of General Class amateur radio operator privileges was improper. Accordingly, we propose to modify the amateur service operator license for amateur station KB3YED by replacing General Class operator privileges with Technician Class operator privileges.
- 8. ACCORDINGLY, IT IS PROPOSED, pursuant to sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and section 1.87 of the Commission's rules, 47 CFR § 1.87, that the license of Lester J. Schaub for amateur service Station KB3YED BE MODIFIED by replacing General Class operator privileges with Technician Class operator privileges.
- 9. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to Lester J. Schaub, 3152 Gracefield Rd. Apt MS107, Silver Spring, MD 20904.
- 10. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone Deputy Chief, Mobility Division Wireless Telecommunications Bureau

<sup>&</sup>lt;sup>6</sup> *Id*.

<sup>&</sup>lt;sup>7</sup> 47 CFR § 1.87(a).

<sup>&</sup>lt;sup>8</sup> This address should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail, and hand-delivered or messenger-delivered documents. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743.